

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC.,

Plaintiff/Counter-  
Defendant,

v.

ILLUMINA, INC.,

Defendant/Counter-  
Plaintiff.

C.A. No. 04-901-JJF

**NOTICE OF DEPOSITION OF JAY FLATLEY**

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Plaintiff Affymetrix, Inc. ("Affymetrix"), by and through its attorneys, will take the deposition of Jay Flatley by oral examination at the Hilton San Diego Airport/Harbor Island Hotel, 1960 Harbor Island Drive, San Diego, California, 92101. The deposition will commence at 9:00 a.m. on January 26, 2006. The deposition will be recorded stenographically, with the capacity to provide instant visual display or playback of the testimony, and by video by an officer authorized to administer oaths. All counsel are invited to attend and examine the witness.

MORRIS, NICHOLS, ARSHT & TUNNELL

*/s/ Maryellen Noreika*

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December 16, 2005

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CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2005, I electronically filed the foregoing document using CM/ECF which will send notification of such filing(s) to the following:

Richard K. Herrmann  
Morris, James, Hitchens & Williams LLP

I also certify that copies were caused to be served on December 16, 2005 upon the following in the manner indicated:

BY HAND

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